

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

AFFINITY LABS OF TEXAS, LLC, §
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Plaintiff,
v.
BMW NORTH AMERICA, LLC, ET AL., §
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Defendants.
CIVIL ACTION No. 9:08CV164
JUDGE RON CLARK

ORDER OF PARTIAL DISMISSAL

Before the court is Plaintiff Affinity Labs of Texas, LLC and Defendants BMW North America, LLC and BMW Manufacturing Co. LLC's Joint Stipulation of Dismissal With Prejudice [Doc. #515]. The parties state that they have settled their disputes in this action, and they stipulate to dismissal with prejudice of all claims and counterclaims between them pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The court is of the opinion that this stipulation should be entered.

Accordingly, it is **ORDERED** that all claims by Affinity Labs of Texas, LLC against BMW North America, LLC and BMW Manufacturing Co. LLC and all counterclaims by BMW North America, LLC and BMW Manufacturing Co. LLC against Affinity Labs of Texas, LLC are hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that Affinity Labs of Texas, LLC, BMW North America, LLC, and BMW Manufacturing Co. LLC shall each bear its

own attorneys' fees and costs. These dismissals will have no impact on claims asserted against, or counterclaims asserted by, any other Defendant in this action.

So **ORDERED** and **SIGNED** this **1** day of **November, 2010**.



Ron Clark, United States District Judge